

AMENDED IN SENATE APRIL 12, 2012

SENATE BILL

No. 1386

Introduced by Senator Lowenthal

February 24, 2012

An act to amend ~~Section 12929.12 of, to repeal Chapter 1 (commencing with Section 12300) of Part 4.8 of Division 6 of, and to amend and renumber the heading of Chapter 1.5 (commencing with Section 12306) of Part 4.8 of Division 6 of, Section 71610 of the Water Code, relating to water.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1386, as amended, Lowenthal. ~~Delta Flood Protection Fund. Municipal water districts: water storage.~~

The Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Existing law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of right to water in the district.

This bill would prohibit a district located in a county with a population greater than 8 million persons and where at least 80% of the area of the district is included within the boundaries of a water replenishment district from having specified authority relating to the storage of water.

Existing law establishes the Delta Flood Protection Fund in the State Treasury and states the intent of the Legislature to annually appropriate specified amounts of money in the fund to the Department of Water Resources for delta levee maintenance and delta flood protection projects. Existing law abolished the Delta Flood Protection Fund on July 1, 2010.

~~This bill would repeal obsolete provisions establishing the Delta Flood Protection Fund and would make conforming changes to existing law.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 71610 of the Water Code is amended to~~
2 ~~read:~~

3 ~~71610. A(a) Except as provided in subdivision (b), a district~~
4 ~~may acquire, control, distribute, store, spread, sink, treat, purify,~~
5 ~~recycle, recapture, and salvage any water, including sewage and~~
6 ~~storm waters, for the beneficial use or uses of the district, its~~
7 ~~inhabitants, or the owners of rights to water in the district.~~

8 ~~(b) For a district located in a county with a population greater~~
9 ~~than 8 million persons and where 80 percent of the area of the~~
10 ~~district is included within the boundaries of a water replenishment~~
11 ~~district organized pursuant to Division 18 (commencing with~~
12 ~~Section 60000), the district shall have no authority to do any of~~
13 ~~the following:~~

14 ~~(1) Manage, control, or administer the importation of water for~~
15 ~~storage, or the storage of groundwater.~~

16 ~~(2) Store water underground except pursuant to either of the~~
17 ~~following:~~

18 ~~(A) A contract with an independent holder of adjudicated~~
19 ~~groundwater extraction rights within the boundaries of the district~~
20 ~~and for the account of the water rights holder.~~

21 ~~(B) A court order issued by a court having jurisdiction over the~~
22 ~~adjudication of groundwater extraction rights within the~~
23 ~~groundwater basin where storage is sought.~~

24 ~~SECTION 1. Chapter 1 (commencing with Section 12300) of~~
25 ~~Part 4.8 of Division 6 of the Water Code is repealed.~~

26 ~~SEC. 2. The heading of Chapter 1.5 (commencing with Section~~
27 ~~12306) of Part 4.8 of Division 6 of the Water Code is amended~~
28 ~~and renumbered to read:~~

29

30 ~~CHAPTER 1. GENERAL PROVISIONS~~

31

32 ~~SEC. 3. Section 12929.12 of the Water Code is amended to~~
33 ~~read:~~

1 ~~12929.12.—(a) It is the intent of the Legislature that sixty-five~~
2 ~~million dollars (\$65,000,000) of the funds that may be transferred,~~
3 ~~pursuant to paragraph (3) of subdivision (b) of Section 12937, to~~
4 ~~the California Water Fund from the California Water Resources~~
5 ~~Development Bond Fund, shall be appropriated to the~~
6 ~~Environmental Water Fund. It is the intent of the Legislature,~~
7 ~~subject to subdivision (b), to appropriate to the Environmental~~
8 ~~Water Fund one million dollars (\$1,000,000) in the 1990–91 fiscal~~
9 ~~year and eight million dollars (\$8,000,000) per year in fiscal years~~
10 ~~1991–92 to 1998–99, inclusive. However, the director, in~~
11 ~~consultation with the Department of Finance, may accelerate~~
12 ~~payments to the California Water Fund for appropriation to the~~
13 ~~Environmental Water Fund if the director deems it appropriate to~~
14 ~~do so.~~

15 ~~(b) It is the further intent of the Legislature that if the director~~
16 ~~determines that all or any portion of the amount that would~~
17 ~~otherwise be appropriated in any fiscal year to the Environmental~~
18 ~~Water Fund in accordance with subdivision (a) is required for~~
19 ~~continued construction of the State Water Resources Development~~
20 ~~System pursuant to Section 12938, the entire amount that would~~
21 ~~otherwise be appropriated to the Environmental Fund for that fiscal~~
22 ~~year shall be reduced accordingly. It is also the intent of the~~
23 ~~Legislature that any reduction in funds appropriated to the~~
24 ~~Environmental Water Fund pursuant to this subdivision be made~~
25 ~~up from funds transferred to the California Water Fund pursuant~~
26 ~~to paragraph (3) of subdivision (b) of Section 12937 in subsequent~~
27 ~~fiscal years.~~